

Serial Number: 09/965,375

Docket: 2001P17780US

REMARKS

Claims 1, 2, 4-10, 14-19 and 21-25 are pending in the Application. Claims 3, 11-13 and 20 have been canceled. Claims 1, 10, and 18 are independent claims.

Claim Rejections - 35 USC § 103

The Patent Office rejected claims 1, 2, 4-10, 14-19 and 21-25 under 35 U.S.C. § 103(a) as being unpatentable over Epps ("Epps", U.S. Patent No. 5,034,947) in view of Laursen et al. ("Laursen", U.S. Patent No. 6,847,618). Applicant respectfully traverses these rejections.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." (emphasis added) (MPEP § 2143). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. (emphasis added) *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicant respectfully submits claims 1, 2, 4-10, 14-19 and 21-25 recite elements that have not been disclosed by Epps and Laursen. For example, claims 1, 10, and 18 generally recite determining a number of prominent inputs from the received inputs. The Patent Office cited to Epps (ref. 1010, fig. 10) as disclosing this limitation. Epps does not determine a number of prominent inputs from the received inputs. In the cited sections, Epps discloses a processor (ref. 1010) which receives whisper select signals and talk slot grant signals. The whisper select signal causes the processor to send the signal from the associated line only to the other members of the whisper conference. The talk slot grant signal causes the processor

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to remove the signal from that line when sending the summed conversation to that line (so the talker does not hear themselves). The processor does not perform any determination as to which lines are prominent. The processor merely responds to the whisper select signals and talk grant signals that it is sent. The processor does not perform and equivalent function to determining a number of prominent inputs from the received inputs. As stated in the specification of the present invention, inputs may be classified as prominent based on loudness of input, signal strength, clarity of voice in the signal, clarity of the signal overall, and the like. Epps does not mention any kind of determination of prominent inputs from the received inputs. Thus, Epps does not teach determining a number of prominent inputs from the received inputs.

Further, claims 1, 10, and 18 generally recite a conferencing session over a packetized network. Epps is concerned with a circuit switched network. Epps teaches implementation of the disclosed techniques on a circuit switched network, not a packetized network. Circuit switched network techniques are not compatible with a packetized network. The teachings of Epps are thus incompatible with a packetized network. Whether Epps teaches features similar to the present invention is irrelevant, as Epps does not enable implementation of those techniques on a packetized network. Thus, Epps is inapplicable to the present invention.

Laursen does not cure the defects of Epps. Laursen does not determine prominent inputs from the received inputs. Laursen determines which audio streams are active based on the energy monitored in the audio streams (col. 24 lines 22-38, FIGS. 13A-13C). Determining which audio streams are active is not equivalent to determining prominent inputs. Outputting the only the audio streams with the highest monitored energy generally suffers from insufficient voice quality. Thus, Laursen does not determine prominent inputs from the received inputs.

Further, claims 1, 10, and 18 generally recite a conferencing session over a packetized network. As discussed above, Epps is concerned with a circuit switched

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network. Laursen is concerned with a packetized network. Circuit switched network techniques are not compatible with a packetized network. Thus, the teachings of Epps and Laursen cannot be combined because they are incompatible technologies.

Epps and Laursen, separately or combined, do not teach or suggest all of the claimed limitations. Thus, at least based on these reasons, independent Claims 1, 10, and 18 are nonobvious under 35 U.S.C. § 103. Claims 2 and 4-9 depend from Claim 1 and are therefore allowable due to their dependence upon Claim 1. Claims 14-17 depend from Claim 10 and are therefore allowable due to their dependence upon Claim 10. Claims 19 and 21-25 depend from Claim 18 and are therefore allowable due to their dependence upon Claim 18.

CONCLUSION

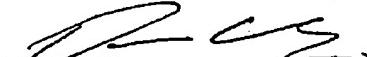
In view of the foregoing, it is submitted that the claims are in condition for allowance. Issuance of the present application as a patent is therefore solicited.

It is believed no fee is due at this time. However, should the Examiner disagree, please charge the undersigned's Deposit Account No. 19-2179. Please also charge this deposit account, at any time during the pendency of this application, for any additional fees required, or credit any overpayment, pursuant to 37 CFR §1.25.

PLEASE MAIL CORRESPONDENCE TO:

Siemens Corporation
Customer No. 28524
Attn: Elsa Keller, Legal Administrator
170 Wood Avenue South
Iselin, NJ 08830

Respectfully Submitted,



David Chung, Registration No. 38,409
Attorney for Applicants
Telephone: 408-492-5336
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